

No. 5:05-CR-251-1H
No. 5:12-CV-549-H

Respondent .

Petitioner now attempts a "work-around" of the rules regarding successive petitions by seeking to re-open his

original § 2255 motion. However, the court finds this motion to be a successive motion as well, and it is therefore dismissed without prejudice to petitioner's right to apply to the Fourth Circuit for leave to file a successive § 2255 motion.

Because petitioner's motion is dismissed without prejudice to his right to apply to the Fourth Circuit for leave, this order does not raise a substantial issue for appeal concerning the denial of a constitutional right. Accordingly, a certificate of appealability is not issued as to this order.

This Fifth day of December 2014.



MALCOLM J. HOWARD
Senior United States District Judge

At Greenville, NC
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